



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 20, 2016
Certified Mail/Return
7012 3460 0003 1112 7758

Elk Creek Community Services District
P.O. Box 189
Elk Creek, CA 95939

Attention: Stan Drummond, President

Subject: Elk Creek Community Services District, Public Water System No. 1100616 – Citation No. 21-16C-029 for failure to comply with Compliance Order 21-16R-006 Directives.

It has come to our attention that the Elk Creek Community Services District water system failed to complete directives given in Compliance Order 21-16R-006, issued on November 21, 2016. The Division of Drinking Water hereby issues the enclosed Citation, which includes directives for corrective action.

Please be advised that failure to comply with the enclosed directives by the deadlines specified therein will result in further civil penalties.

Section 116577 of the Health and Safety Code allows the Water Board to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order. Currently, the hourly rate is approximately \$163.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, appearing to read "R. Crenshaw".

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Arnold Kjer, Water System Operator
Glenn County Environmental Health

Enclosures

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

10 **To:** Elk Creek Community Services District
11 Attn: Stan Drummond, President
12 P.O. Box 189
13 Elk Creek, CA 95939
14

15 **Issued:** December 20, 2016
16 VIA CERTIFIED MAIL
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CITATION NO. 21-16C-029 FOR VIOLATION OF
DIRECTIVES 1, 2, 4, 5, AND 9 OF COMPLIANCE ORDER 21-16R-006.

22 Section 116650 of Chapter 4 of Part 12 of Division 104 of the California Health and
23 Safety Code (H&S Code) authorizes the issuance of a citation for failure to comply
24 with a requirement of the California Safe Drinking Water Act or any regulation,
25 standard, permit, or order issued thereunder.
26

27 The State Water Resources Control Board (hereinafter "Board"), acting by and
28 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
29 for the Division, hereby issues this Citation to Elk Creek Community Services District
30 for failure to comply with applicable sections of the California Health and Safety

Code (hereinafter "CHSC"), and specific Compliance Order (No. 21-16R-006) directives. These are specified in Attachment 'A'.

APPLICABLE AUTHORITIES

See Attachment 'A' for Applicable Authorities

STATEMENT OF FACTS

The Elk Creek CSD water system (hereinafter, "System") is a community water system located in Glenn County that supplies water for domestic purposes to approximately 300 people. The System uses treated surface water from the Stony Gorge Reservoir as its source of domestic water. The approved alternative filtration treatment technology utilizes a parallel train of 100 gpm contact clarifiers with buoyant media, followed by dual-media filtration.

As of the date of this Citation the System has failed to comply with the following directives specified in Compliance Order 21-16R-006, issued on November 21, 2016:

- Directive 1: Failure to submit a written response within two weeks of the date of the order, indicating a willingness to comply with the specified directives.
- Directive 2: Failure to provide a Grade 3 treatment (T3) Chief Operator and a Grade 2 (T2) Shift Operator. Also failure to have a Chief or Shift operator on-site at all times that the facility is being operated without reliability features in place.
- Directive 4: Failure to post the Boil Water Notice in conspicuous public places and by direct mail to each customer.

- Directive 5: Failure to submit to the Division proof that the Boil Water Notice was mailed to customers, and posted in conspicuous places by no later than **December 12, 2016**.
- Directive 9: Failure to submit weekly status reports to the Division.

DETERMINATIONS

The Division has determined that the System continues to be in violation of Directives 1, 2, 4, 5, and 9 of Compliance Order 21-16R-006, issued on November 21, 2016.

ADMINISTRATIVE PENALTY

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a penalty for failure to comply with requirements of the California SDWA.

For failure to comply with Compliance Order directives, the Division hereby assesses the Water System of a civil penalty of \$200.

DIRECTIVES

The System is hereby directed to complete the following actions:

1. Comply with Directives 1, 2, 4, 5, and 9 specified in Attachment 'A' by the following dates:
 - Directive 1 – Written response: **Within one week of the date of this Citation.**
 - Directive 2 - Operator requirements: **By February 1, 2017.**
 - Directive 4 – Boil Water Notice: **Immediately.**

- Directive 5 – Proof of Boil Water Notice: **Within one week of posting the Boil Water Notice.**
- Directive 9 – Weekly status reports: **By January 2, 2017.**

2. **Submit to the Board Accounting Office by February 1, 2017, a check for the penalty of \$200.00 imposed by this Citation.** The citation number (21-16C-029) shall be written on the check. The check shall be made payable to the **California Division of Drinking Water – Safe Drinking Water Account** and mailed to the Board along with Attachment 'B' entitled "Notice of Citation Issuance."
3. Complete and return Attachment 'C' entitled "Compliance Certification" to the address listed below by **February 15, 2017.**

All submittals required by this citation shall be addressed to:

Reese B. Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002
(530) 224-4800

Nothing in this Citation relieves the System of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), or any regulation, permit, standard or order issued or adopted

1 thereunder. The Division reserves the right to make such modifications to this
2 Citation, as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Order and shall be effective
4 upon issuance.

5 6 **FURTHER ENFORCEMENT ACTION**

7 The California SDWA authorizes the Board to: issue citation with assessment of
8 administrative penalties to a public water system for violation or continued violation
9 of the requirements of the California SDWA or any regulation, permit, standard,
10 citation, or order issued or adopted thereunder including, but not limited to, failure to
11 correct a violation identified in a citation or compliance order.

12
13 The California SDWA also authorizes the Board to take action to suspend or revoke
14 a permit that has been issued to a public water system if the system has violated
15 applicable law or regulations or has failed to comply with an order of the Board; and
16 to petition the superior court to take various enforcement measures against a public
17 water system that has failed to comply with or violates an order of the Board. The
18 Board does not waive any further enforcement action by issuance of this citation.

19 20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon the System, its officers, directors,
22 agents, employees, contractors, successors, and assignees.

23 24 **SEVERABILITY**

25 The directives of this Citation are severable, and the System shall comply with each
26 and every provision thereof notwithstanding the effectiveness of any other provision.

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12/20/2016

Richard L. Hinrichs

Date

Richard L. Hinrichs, P.E., Chief

Northern California Section

Division of Drinking Water

State Water Resources Control Board

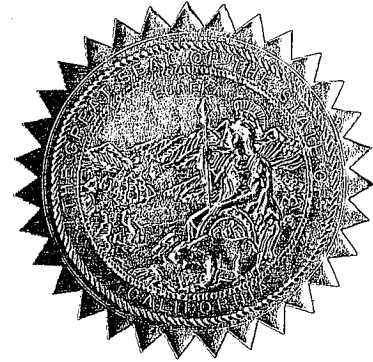
Attachments:

Attachment A – Applicable Authorities

Attachment B – Notice of Citation Issuance

Attachment C – Compliance Certification

Attachment D – Weekly Status Report



cc: Bruce Burton, Assistant Deputy Director,
-Northern California Drinking Water FOB
Kevin Backus, Glenn County Environmental Health

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

Directives 1, 2, 4, 5, and 9 of Compliance Order 21-16R-006 (issued November 21, 2016) provided:

1. *Submit a written response **within two weeks of the date of this Order**, indicating a willingness to comply with the directives below.*
2. *The System must **immediately** correct deficiency number 4 specified in the Statement of Facts (see below). The T3 operator must inspect the treatment plant monthly and sign the treatment records.*

Deficiency #4: *The System requires a Grade 3 treatment (T3) Chief Operator and a Grade 2 (T2) Shift Operator. Currently the treatment plant is being operated by a sole T2 Shift Operator. Additionally, there must be a Chief or a Shift operator on-site at all times that the facility is being operated until reliability (shutdown) features are in place. (Sections 63765(a) and 64413.5(a,b,c) of the CCR and Section 106885(a) of the CHSC).*

4. *The System shall continue to post the Boil Water Notice (Appendix E) issued on November 2, 2016 (also issued via email to Arnold Kjer and Stan Drummond). Any changes to the Notice must be approved by the Division of Drinking Water. **Public Notification of the Boil Water Notice must be made by the following methods:***
 - a) Direct mail to each customer, and*
 - b) Posting in conspicuous public places to reach non billing paying customers, such as the post office.*

Attachment A

5. *The System must submit to the Division proof that the Boil Water Notice was mailed to consumers, and posted in conspicuous places by no later than **December 12, 2016** (See certification form in Appendix F).*
9. *Weekly Status reports shall be submitted to the Division using the form provided in Attachment D.*

**STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board**

Notice of Citation Issuance

System Name: Elk Creek Community Services District

System Number: 1100616

Background Statement

During the month of December 2016, the Division of Drinking Water issued Citation No. 21-16C-029 to the Elk Creek Community Services District. The citation carried an administrative penalty in the amount of \$200.00

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **February 1, 2017**. The citation number shall be written on the check. The check shall be made payable to the **California Division of Drinking Water - Safe Drinking Water Account** and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

COMPLIANCE CERTIFICATION

Citation Number: **21-16C-029**

Name of Water System: **Elk Creek Community Services District**

System Number: **1100616**

As required by Section 116450 of the California Health and Safety Code, I certify that the Elk Creek Community Services District complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$200.00 Administrative Penalty to the Board Accounting Office in Sacramento, as required by Directive 2 of the Citation.	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN FEBRUARY 15, 2017.</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

Weekly Status Report

Water System: Elk Creek Community S.D.	Water System No.: 1100616
Compliance Order No. 21-16R-006	Violation: Multiple deficiencies necessitating a Boil Water Notice
Calendar Week:	Date Prepared:

This form should be prepared and signed by water system personnel with appropriate authority to implement the directives of the Compliance Order. Please attach additional sheets as necessary. Weekly status reports must be submitted by Tuesday of each following week to the Division of Drinking Water, Valley District Office.

Summary of progress in the reporting week of _____

1. The first step in the process of identifying a problem is to recognize that a problem exists. This is often done by comparing current performance with a desired state or goal. If there is a significant difference, a problem is identified. For example, if a company's sales are declining while its competitors' are increasing, this indicates a problem that needs to be addressed.

2. Once a problem is identified, the next step is to define the problem more precisely. This involves determining the scope of the problem, the areas affected, and the specific symptoms. For instance, if sales are declining, it's important to determine whether the decline is across all products or just certain ones, and whether it's a recent phenomenon or has been ongoing for some time.

3. After defining the problem, the next step is to analyze the causes. This is often done by asking "why" questions and looking for underlying factors that might be contributing to the problem. For example, if sales are declining, one might ask why customers are not buying as much, and then look for factors like changes in market conditions, competitor actions, or internal company issues.

4. Once the causes are identified, the next step is to develop a plan to address the problem. This involves determining what actions need to be taken to solve the problem, and who is responsible for implementing those actions. For example, if the cause of declining sales is a lack of marketing, a plan might be developed to increase marketing efforts.

5. The final step in the process is to implement the plan and monitor the results. This involves putting the plan into action and then tracking progress to see if the problem is being solved. If the problem persists, the process may need to be repeated, as the causes may not have been fully identified or the plan may need to be adjusted.

Anticipated compliance date : _____

Name _____

Signature

Title

Date _____